

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Lifeline and Link Up Reform and Modernization)	WC Docket No. 11-42
)	
Lifeline and Link Up)	WC Docket No. 03-109
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Advancing Broadband Availability Through Digital Literacy Training)	WC Docket No. 12-23
)	

**REPLY COMMENTS FROM THE ALLIANCE FOR EXCELLENT EDUCATION ON
ADVANCING BROADBAND AVAILABILITY THROUGH DIGITAL LITERACY
TRAINING**

I. Introduction

The Alliance for Excellent Education (Alliance) is a Washington, DC-based policy and advocacy organization that works to improve national and federal education policy so that all students can achieve at high academic levels and graduate from high school ready for success in college, work, and citizenship in the twenty-first century.

There are many major challenges facing the American education system. More than 1 million students drop out of high school every year while millions more graduate from high school without the necessary skills to succeed in college or a career. To meet these difficult challenges, new and innovative instruction models need to be implemented that better suit the learning needs of the twenty-first century. Increased access to technology and high-quality digital learning¹ must be part of that innovation. Improved digital literacy and advancing broadband access are

¹ Digital learning is any instructional practice that is effectively using technology to strengthen the student learning experience. Digital learning encompasses a wide spectrum of tools and practice, including using online and formative assessment, increasing focus and quality of teaching resources and time, online content and courses, applications of technology in the classroom and school building, adaptive software for students with special needs, learning platforms, participating in professional communities of practice, providing access to high level and challenging content and instruction, and many other advancements technology provides to teaching and learning. See Alliance for Excellent Education, *The Digital Learning Imperative: How Technology and Teaching Meet Today's Educational Challenges* (Washington, DC: Author, January 2012).

key ways to promote fundamental improvement in offering innovative instruction such as high-quality digital instruction and access to important digital learning tools.

With those goals in mind, the Alliance is pleased to submit comments on the Notice of Proposed Rule Making (NPRM) on whether the Federal Communications Commission (FCC) has authority to run a digital literacy training program that would be offered in libraries and schools whose goal is advancing broadband availability. Specifically, the Alliance will comment on the need for improved digital literacy, and administering the digital literacy program through the E-Rate program, and whether offering funding of \$15,000 per funding location, as currently proposed, will have the desired effect of improving broadband availability across the country.

II. Discussion

A. The Need for Improved Digital Literacy

The Alliance commends the FCC's continued strong leadership in promoting increased equity and education opportunities available through technology. Initiatives such as "Connecting America: The National Broadband Plan" have been recommended by the Alliance to be used in building future education programs. The Alliance was very pleased that the release of the "Digital Learning Playbook" was announced by FCC Chairman Julius Genachowski at the Alliance-sponsored National Town Hall as part of Digital Learning Day in February 2012. Developing a sustainable digital literacy training program is a natural extension of those efforts and similar FCC projects and plans.

Lack of digital literacy across the population remains one of the many problems that need to be addressed if equity and the American education system are going to improve enough to be adequate to train a workforce with the twenty-first-century skills necessary to be successful in the modern world. Providing a digital literacy training program through schools and libraries is a viable way to implement such a program. Therefore, the Alliance supports the FCC's summative goal of improving broadband availability through a digital training program.

B. Funding and Administering the Digital Literacy Training Program Through E-Rate

While the Alliance agrees with the FCC's overall goal that improving digital literacy is an important step in advancing broadband access across the country, it has great concerns over funding and administering such a program through E-Rate, a very important but underfunded program. The U.S. Congress created the E-Rate program to support telecommunications services and access to affordable information services for schools and libraries. Since its inception, E-Rate has enabled schools and libraries across the country to obtain high-speed broadband access and improve other technological logistics. The program has been so successful that demand has continually risen despite stagnant funding levels. As technology becomes more of a part of the every day world, the need and demand for good connectivity

in the schools and libraries has become more critical. Reaching E-Rate's goal to assist school and library infrastructure to meet those connectivity demands is more important now than ever.

Since the program began in 1998, demand for E-Rate funds has increased by 108 percent, from \$2.36 billion in 1998 to \$4.65 billion in 2011. However, despite the increase in demand, the available funding has remained nearly the same. From 1998 to 2009, the available E-Rate funds were capped at \$2.25 billion. The cap was indexed by inflation starting in 2010, resulting in \$2.27 and \$2.29 billion in available funds for 2010 and 2011, respectively.²

While the Alliance strongly supports digital literacy training and the FCC's goals to improve it, providing this training under the E-Rate program does not appear to be within either the statutory language or legislative intent of the original law. Likewise, if additional funds would become available for E-Rate, the Alliance recommends that those funds be used to meet the increased demand to improve school and library infrastructure prior to any other use. Altering the current use of E-Rate to provide digital literacy training would jeopardize a very successful and important program and potentially subject it to legal claims.

E-Rate has been the subject of past litigation over the FCC's statutory authority concerning the program.³ While the U.S. Fifth Circuit Court of Appeals held that the FCC could take certain actions related to it, concern remains that any future decision may lead to an alternative result. The court cited the weakest U.S. Supreme Court administrative law standard of agency deference in its holding. If litigation arises again, the venue court may perceive that the FCC is overstepping its statutory authority by funding and running a digital literacy training program under E-Rate, which is something vastly different than what E-Rate was created to do, and would put the E-Rate program in jeopardy.

The Alliance is concerned that enacting a digital literacy training program under the E-Rate program could have disastrous effects for the entire program. While the Alliance supports the overall goal to implement a digital literacy training initiative, it should not be at the potential expense of such an important program. Therefore, the Alliance urges the FCC to look for alternative funding and administration mechanisms for the training program other than E-Rate.

² eSchool News, "Funds for Learning Asks FCC to Provide More E-Rate Funding," news release, November 15, 2011, <http://www.eschoolnews.com/2011/11/15/funds-for-learning-asks-fcc-to-provide-more-e-rate-funding/> (accessed May 1, 2012).

³ Texas Office of Public Utility v. FCC, 183 F.3d 393 (5th Cir. 1999).

C. Digital Literacy Training Funding

The Alliance is concerned that the digital literacy training program may not be sustainable under the funding model proposed in the NPRM. Specifically, the Alliance is concerned that the estimated \$15,000 a year would not be enough to cover the cost of implementing eight to ten hours of high-quality digital literacy training per week at one funded location, such as a library or school. The concern rests in whether the funds being targeted for each school or library would be enough to provide a training program that would truly be beneficial. Distributing money in such relatively small amounts may lead to poor-quality training programs that will never fully impact digital literacy in a positive manner.

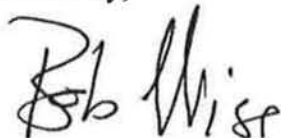
An additional concern is that in the current budget climate, many potential training venues may not be able to raise the \$4,500 local match required to participate in the program. The Alliance recommends that the FCC consider alternatives to the current \$15,000 funding mechanism. While such a consideration may provide fewer venues, the funds may also have a greater impact on digital literacy training in the locations that were selected. The Alliance recommends that the funding model be explored further to determine if the funding at the current proposal would meet the stated goal of the training—advancing broadband availability by improving digital literacy.

III. Conclusion

The Alliance commends the FCC's continued strong leadership and for pursuing a needed program to offer digital literacy training to help advance broadband use nationwide. However, using E-Rate as a vehicle to fund and administer the program raises a number of concerns that should be carefully considered. The Alliance recommends that E-Rate not be used to fund or administer the training program. Using a different funding and administrative program would be a better alternative to implement the new initiative.

Likewise, the Alliance urges the FCC to further explore the funding model and whether there are other funding options that would better meet the long-term goals of improving digital literacy. The Alliance appreciates the opportunity to comment on this proposed rule and looks forward to continuing to work with the FCC on important education issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Wise". The signature is stylized with a large, looped "B" and a cursive "Wise".

Bob Wise
President
Alliance for Excellent Education